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09/778,202	02/06/2001	David Iain Craig	P519	8810

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CENTRAL COAST PATENT AGENCY
PO BOX 187
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EXAMINER

CHAU, COREY P

ART UNIT	PAPER NUMBER
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2644

DATE MAILED: 02/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/778,202

Applicant(s)

CRAIG, DAVID IAIN

Examiner

Corey P Chau

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09/16/2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Japanese Patent Publication No. 07-2002587 to Hiroshi.

3. Regarding Claim 1, Hiroshi discloses a diagnostic tool for an audio mixing system (Fig. 1), comprising: an information source storing at least interconnection characteristics and apparatus settings in the system, relative to channel inputs (28); a search function (i.e. retrieval means) accessible by a user (26), which upon initiation polls the information source (Fig. 2; Detail Description, paragraphs 0018-0019 and 0028); and search criteria associated with the search function for establishing specific information to be matched in a search (Detail Description, paragraphs 0018-0019 and 0028); characterized in that initiation of the search function causes the search function to poll the information source, and to return channel numbers for those channels that match the search criteria (Detail Description, paragraphs 0018-0019 and 0028-0029).

4. Regarding Claim 2, Hiroshi discloses monitoring interfaces to individual ones of channels in the audio mixing system, wherein the search function samples real-time

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characteristics at said interfaces in individual channels comparing the samples with search criteria (Figs. 2-6).

5. Regarding Claim 3, Hiroshi discloses the monitoring interfaces include at least one audio monitoring interface, wherein the search function samples real-time audio in a channel for comparison to an audio characteristic specified in search criteria (Figs. 2-6).

6. Regarding Claim 4, Hiroshi discloses a facility for saving instances of the search function each with a name related to specific criteria attached, and for selecting and initiating individual ones of the named search functions to perform the associated search and to return channels found in the search (Fig. 3).

7. Regarding Claim 5, Hiroshi discloses the facility for selecting and initiating comprises a display apparatus for displaying individual ones of the search functions by name and selection inputs for selecting individual ones of the displayed search functions, to initiate the associated search (Fig. 3).

8. Regarding Claim 6, Hiroshi discloses a function for assigning channels returned by a search to specific ones of control strips of the mixer desk (Fig. 10; Detail Description, paragraph 0004).

9. Regarding Claim 7, Hiroshi discloses an audio mixing system (Fig. 1; Detail Description, paragraph 0001), comprising: a mixer desk (20) including a user interface and control apparatus (Fig. 1); a mixing engine coupled to the mixer desk for mixing audio on input channels and providing an audio output (Fig. 1); computerized controls for managing activities of the mixing system (Fig. 1); and a diagnostic tool including an

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information source storing at least interconnection characteristics and apparatus settings in the system (28), relative to channel inputs, a search function (i.e. retrieval means) accessible by a user (26), which upon initiation polls the information source (Fig. 2; Detail Description, paragraphs 0018-0019 and 0028), and search criteria associated with the search function for establishing specific information to be matched in a search (Detail Description, paragraphs 0018-0019 and 0028); characterized in that initiation of the search function causes the search function to poll the information source, and to return channel numbers for those channels that match the search criteria (Detail Description, paragraphs 0018-0019 and 0028-0029).

10. Claim 8 is essentially similar to Claim 2 and is rejected for the reasons stated above apropos to Claim 2.

11. Claim 9 is essentially similar to Claim 3 and is rejected for the reasons stated above apropos to Claim 3.

12. Claim 10 is essentially similar to Claim 4 and is rejected for the reasons stated above apropos to Claim 4.

13. Claim 11 is essentially similar to Claim 5 and is rejected for the reasons stated above apropos to Claim 5.

14. Claim 12 is essentially similar to Claim 6 and is rejected for the reasons stated above apropos to Claim 6.

15. Claim 13 is essentially similar to Claim 7 and is rejected for the reasons stated above apropos to Claim 7.

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16. Claim 14 is essentially similar to Claim 2 and is rejected for the reasons stated above apropos to Claim 2.

17. Claim 15 is essentially similar to Claim 3 and is rejected for the reasons stated above apropos to Claim 3.

18. Claim 16 is essentially similar to Claim 4 and is rejected for the reasons stated above apropos to Claim 4.

19. Claim 17 is essentially similar to Claim 5 and is rejected for the reasons stated above apropos to Claim 5.

20. Claim 18 is essentially similar to Claim 6 and is rejected for the reasons stated above apropos to Claim 6.

21. Claims 1-18 are rejected under 35 U.S.C. 102(a) as being anticipated by Japanese Patent Publication No. 2000-209037 to Akinobu.

22. Regarding Claim 1, Akinobu discloses a diagnostic tool for an audio mixing system (Fig. 2), comprising: an information source storing at least interconnection characteristics and apparatus settings in the system, relative to channel inputs (Figs. 3-5; Detail Description, paragraphs 0038-0042); a search function accessible by a user (176)(Figs. 3-5) which upon initiation polls the information source; and search criteria associated with the search function for establishing specific information to be matched in a search (Detail Description, paragraphs 0044-0048); characterized in that initiation of the search function causes the search function to poll the information source, and to

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return channel numbers for those channels that match the search criteria (Figs. 3-5; Detail Description, paragraph 0048).

23. Regarding Claim 2, Akinobu monitoring interfaces to individual ones of channels in the audio mixing system, wherein the search function samples real-time characteristics at said interfaces in individual channels comparing the samples with search criteria (Figs. 3-5).

24. Regarding Claim 3, Akinobu discloses the monitoring interfaces include at least one audio monitoring interface, wherein the search function samples real-time audio in a channel for comparison to an audio characteristic specified in search criteria (Figs. 3-5).

25. Regarding Claim 4, Akinobu discloses a facility for saving instances of the search function each with a name related to specific criteria attached, and for selecting and initiating individual ones of the named search functions to perform the associated search and to return channels found in the search (Figs 3-5).

26. Regarding Claim 5, Akinobu discloses the facility for selecting and initiating comprises a display apparatus for displaying individual ones of the search functions by name and selection inputs for selecting individual ones of the displayed search functions, to initiate the associated search (Figs. 3-5; Detail Description, paragraph 0044-0048).

27. Regarding Claim 6, Akinobu discloses a function for assigning channels returned by a search to specific ones of control strips of the mixer desk (Figs. 3-5; Detail Description, paragraph 0049).

28. Regarding Claim 7, Akinobu discloses an audio mixing system (Fig. 1), comprising: a mixer desk including a user interface and control apparatus (Fig. 1; Detail Description, paragraph 0037-0041); a mixing engine coupled to the mixer desk for mixing audio on input channels and providing an audio output (Figs. 1 and 2); computerized controls for managing activities of the mixing system (Fig. 1); and a diagnostic tool including an information source storing at least interconnection characteristics and apparatus settings in the system, relative to channel inputs (Figs. 3-5; Detail Description, paragraphs 0038-0042), a search function accessible by a user (176)(Figs. 3-5), which upon initiation polls the information source, and search criteria associated with the search function for establishing specific information to be matched in a search (Detail Description, paragraphs 0044-0048); characterized in that initiation of the search function causes the search function to poll the information source, and to return channel numbers for those channels that match the search criteria (Figs. 3-5; Detail Description, paragraph 0048).

29. Claim 8 is essentially similar to Claim 2 and is rejected for the reasons stated above apropos to Claim 2.

30. Claim 9 is essentially similar to Claim 3 and is rejected for the reasons stated above apropos to Claim 3.

31. Claim 10 is essentially similar to Claim 4 and is rejected for the reasons stated above apropos to Claim 4.

32. Claim 11 is essentially similar to Claim 5 and is rejected for the reasons stated above apropos to Claim 5.

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33. Claim 12 is essentially similar to Claim 6 and is rejected for the reasons stated above apropos to Claim 6.

34. Claim 13 is essentially similar to Claim 7 and is rejected for the reasons stated above apropos to Claim 7.

35. Claim 14 is essentially similar to Claim 2 and is rejected for the reasons stated above apropos to Claim 2.

36. Claim 15 is essentially similar to Claim 3 and is rejected for the reasons stated above apropos to Claim 3.

37. Claim 16 is essentially similar to Claim 4 and is rejected for the reasons stated above apropos to Claim 4.

38. Claim 17 is essentially similar to Claim 5 and is rejected for the reasons stated above apropos to Claim 5.

39. Claim 18 is essentially similar to Claim 6 and is rejected for the reasons stated above apropos to Claim 6.

Response to Arguments

40. Applicant's arguments with respect to claims 1-18 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

41. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Corey P Chau whose telephone number is (703)305-0683. The examiner can normally be reached on Monday - Friday 9:00 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tran Sinh can be reached on (703)305-4040. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Feb. 22, 05


XU MEI
PRIMARY EXAMINER